

**ASSEMBLY AMENDMENT 11,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

June 29, 1999 – Offered by Representative TURNER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1102, line 25: after that line insert:

3 **“SECTION 2065t.** 118.01 (2) (c) 6. of the statutes is amended to read:

4 118.01 **(2)** (c) 6. Knowledge of state, national and world history, including
5 knowledge of the history of organized labor in America and the collective bargaining
6 process.”.

7 **2.** Page 1376, line 21: after that line insert:

8 **“SECTION 2928m.** 560.025 of the statutes is created to read:

9 **560.025 Maintenance of benefits as condition of assistance. (1)**

10 DEFINITIONS. In this section:

11 (a) “Business” means any person engaged in any activity or enterprise for profit
12 employing one or more person in this state.

1 (b) “Business assistance” means any grant or loan provided by the department
2 under this chapter.

3 **(2) RULES OF CONDUCT.** (a) Any business that is applying for business assistance
4 shall certify on its application for the business assistance that the business has not,
5 at any time within the 5–year period preceding the date of the application, ceased
6 or reduced any health care benefits or pension benefits provided directly or indirectly
7 by the business to the employees of the business employed in this state.

8 (b) Any business that receives business assistance shall agree, as a condition
9 of receiving the business assistance, not to cease or reduce any health care benefits
10 or pension benefits provided directly or indirectly by the business to the employees of
11 the business employed in this state for 5 years after the date on which the business
12 receives the business assistance.

13 **(3) ENFORCEMENT AND ADMINISTRATION.** (a) Before providing any business
14 assistance, the department shall determine whether the business applying for the
15 business assistance has, at any time within the 5–year period preceding the date of
16 the application, ceased or reduced any health care benefits or pension benefits
17 provided directly or indirectly by the business to the employees of the business
18 employed in this state. If the business has, at any time within the 5–year period
19 preceding the date of the application, ceased or reduced any health care benefits or
20 pension benefits provided directly or indirectly by the business to the employees of the
21 business employed in this state, the department may not provide any business to
22 that business. If the department provides business assistance to a business and later
23 determines that the business has, at any time within the 5–year period preceding the
24 date of the application or within the period between the date of the application and
25 the date of receipt of the business assistance, ceased or reduced any health care

1 benefits or pension benefits provided directly or indirectly by the business to the
2 employes of the business employed in this state, the department shall assess and
3 collect any penalties imposed under sub. (4) according to the procedure specified in
4 par. (c).

5 (b) The department shall monitor a businesses receiving business assistance
6 to ensure that the business does not cease or reduce any health care benefits or
7 pension benefits provided directly or indirectly by the business to the employes of the
8 business employed in this state for 5 years after the date on which the business
9 receives the business assistance. If the department determines that the business has
10 ceased or reduced any health care benefits or pension benefits provided directly or
11 indirectly by the business to the employes of the business employed in this state at
12 any time within the 5-year period beginning on the date on which the business
13 receives the business assistance, the department shall assess and collect any
14 penalties imposed under sub. (4) according to the procedure specified in par. (c).

15 (c) The department shall assess and collect any penalties imposed under sub.
16 (4) according to the following procedure:

17 1. The department shall notify the business that is the subject of the penalty
18 that the business is in noncompliance with this section and of the penalty assessed
19 under sub. (4).

20 2. The business may, within 30 days after the date of the notice, appeal in
21 writing to the secretary, and the secretary shall enter his or her final decision within
22 30 days after receiving the appeal.

23 3. The business may, within 30 days after the secretary's decision, request a
24 contested case hearing under s. 227.42 from the department.

(4) PENALTIES. Any business receiving business assistance that ceases or reduces any health care benefits or pension benefits provided directly or indirectly by the business to the employees of the business employed in this state at any time beginning 5 years before the date on which the business applied for the business assistance and ending 5 years after the date on which the business received the business assistance, is subject to all of the following penalties:

(a) Immediate rescission of all business assistance that was provided to the business, with the business to repay that business assistance immediately, pay a penalty equal to 10% of the amount of that business assistance and pay interest on that business assistance at the rate of 18% per year from the date of receipt of the business assistance to the date of payment of the full amount due.

(b) Ineligibility for any further business assistance for 5 years after the date on which the department assesses the penalty.”.

3. Page 1588, line 6: after that line insert:

“(6g) MAINTENANCE OF BENEFITS AS CONDITION OF ASSISTANCE. The treatment of section 560.025 of the statutes first applies to business assistance, as defined in section 560.025 (1) (b) of the statutes, as created by this act, provided on the effective date of this subsection.”.

(END)